IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.14 OF 2007
IN
CRIMINAL APPEAL NO.22 OF 2007

Wali Mohd. Sale Mohd. Shaikh ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mr.S.A.Shaikh, with Shri K.Hasanuddin, advs. for the Applicant.
Mrs.M.M.Deshmukh, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 25th January, 2007.
P.C.:

1. The applicant who is original accused no.1 was convicted for the offences punishable under Sections 394, 397 of the I.P.C. and was sentenced to undergo R.I. for 5 years and 7 years respectively with fine for the said offences. He has preferred an appeal which is admitted. By this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

2. Prosecution case in brief is that on 16-6-2001, the complainant was proceeding on motorcycle with leather bag containing the amount of Rs.25,000/- hanging on the handle of the motorcycle. When he was proceeding by lane, the present applicant allegedly restrained him and on the point of chopper snatched the said bag and ran away. Report was lodged with the police and an

offence came to be registered against an unknown person. On 22-5-2002, i.e., almost one year after the incident , the present applicant came to be arrested. On the basis of information given by him, chopper was seized by the police and during the test identification parade, he was identified as the culprit. Before the Court during the trial also, he was identified. The whole case is based on the identification which is almost one year after the incident. The applicant was on bail during the trial and there is no allegation that he had misused the bail. Taking into consideration the circumstances, I find that it is a fit case to grant him bail pending final hearing and disposal of the appeal.

3. Pending final hearing and disposal of the appeal, the applicant is granted bail on same terms and conditions as before the trial Court subject to his executing fresh bail bonds and depositing the fine amount. He shall give his residential address to Nagpada Police Station, Mumbai and shall also attend the said police station on the last date of every month beginning with February, 2007 between 4 to 6 p.m. He shall not misuse the bail.

4. The application stands disposed off.

(J.H.Bhatia,J.)